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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES OF THE  
LABORERS HEALTH AND WELFARE  
TRUST FUND FOR NORTHERN  
CALIFORNIA; BOARD OF TRUSTEES OF  
THE LABORERS VACATION-HOLIDAY  
TRUST FUND FOR NORTHERN  
CALIFORNIA; BOARD OF TRUSTEES OF  
THE LABORERS PENSION TRUST FUND  
FOR NORTHERN CALIFORNIA; and  
BOARD OF TRUSTEES OF THE  
LABORERS TRAINING AND RETRAINING  
TRUST FUND FOR NORTHERN  
CALIFORNIA,

Plaintiffs,

v.

CITY CEMENT, INC., a California  
corporation,

Defendant.

Case No.: CV 10-2449 MEJ

**STATEMENT IN LIEU OF CASE  
MANAGEMENT CONFERENCE  
STATEMENT; ORDER THEREON**

**Date: November 18, 2010**

**Time: 10:00 a.m.**

**Ctroom: B, 15<sup>th</sup> Floor  
Hon. Maria Elena-James**

**STATEMENT**

Plaintiffs filed their Complaint for Breach of Collective Bargaining Agreement, To Recover Unpaid Trust Fund Contributions, for Breach of Fiduciary Duty and for a Mandatory Injunction ("Complaint") on June 3, 2010, seeking to recover past due employee fringe benefit contributions on behalf of City Cement, Inc.'s covered employees.

Defendant City Cement, Inc. was served on July 8, 2010. City Cement, Inc. did not file a responsive pleading.

On August 27, 2010 Plaintiffs filed their Request For Clerk's Entry of Default. On September 1, 2010 The Request for Clerk's Entry of Default was denied. Plaintiffs' discovered there was an error in the Proof of Service (failure to identify the attorney served as the Agent for Service of Process for City Cement, Inc.). On November 5, 2010 Plaintiffs filed a Revised Proof of Service, identifying Kimberly Munoz, attorney, as the Agent for Service of Process for City Cement, Inc.


On November 9, 2010 Plaintiffs' filed their Revised Request for Clerk's Entry of Default. The Revised Request for Clerk's Entry of Default is pending. Once the Clerk of Court enters the Default of Defendant City Cement, Inc., Plaintiffs will be prepared to file a Motion for Default Judgment.

Based on the above, Plaintiffs respectfully request that this Court continue the Case Management Conference for 60 days at which time the Request for Clerk's Entry of Default should be granted and Plaintiffs' Motion for Default Judgment on file with this Court.

DATED: November 10, 2010

BULLIVANT HOUSER BAILEY PC

By

  
Ronald L. Richman  
Susan J. Olson

Attorneys for Plaintiffs

**ORDER**

Pursuant to Plaintiffs' request and good cause appearing:

IT IS HEREBY ORDERED that the Case Management Conference be continued to January 20, 2011, ~~2010~~, Courtroom B, 15<sup>th</sup> Floor at 10:00 a.m.

DATED: November 12, 2010

By

  
HON. MARI-ELENA JAMES  
UNITED STATES MAGISTRATE JUDGE

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